

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

FILED  
IN CLERKS OFFICE

Derick Tyler,  
Petitioner,

2005 MAR -7 P 3:27

v.

Civil Action  
No. 04-12680-NMG DISTRICT COURT  
MASS

David Nolan,  
Respondent.

PETITIONER'S STATUS REPORT

Now comes the Petitioner, Derick Tyler, who presents the following status report.

The Petitioner has filed the present § 2254 Petition and moved this court to stay any action on his petition and hold it in abeyance until he has fully exhausted all his state remedies.

While the Petitioner was in the process of filing this petition, he came across newly discovered evidence in the form of "two" recanted affidavits recanting two of the Commonwealth's main witnesses against him, without which he would never had been convicted "but for" these two recanting witnesses. This matter is now before the State Superior Court in the form of a Rule 30 (a) and (b) Motion For New Trial.

No action has yet to be taken on his submitted pleadings to the State Court. The matter is still pending.

Respectfully Submitted,

Derick Tyler  
Derick Tyler, Pro se  
MCI-Cedar Junction  
P.O. Box 100  
South Walpole, Ma. 02071

Dated: 3/5/05